

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
EASTERN DIVISION

ORDER

After an independent review of the file, it is hereby CONSIDERED and ORDERED that:

1. The plaintiff's objection (Doc. # 7) to the Recommendation of the Magistrate Judge, filed on August 11, 2009, is OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #6), filed on July 28, 2009, is ADOPTED;
3. Plaintiff's claims against defendants J. Jones, C. Torbert. C. Welch, and T. Jones are DISMISSED without prejudice and prior to service of process;¹
4. Defendants J. Jones, C. Torbert. C. Welch, and T. Jones are DISMISSED as parties to the Complaint pursuant to 28 U.S.C. § 1919(e)(2)(B); and
5. This case is REFERRED back to the magistrate judge for further proceedings.

DONE this 4th day of September, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE

¹A dismissal "without prejudice" is a "dismissal that does not bar the plaintiff from refiling the lawsuit within the applicable limitations period." Black's Law Dictionary (8th ed. 2004).